

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL MCGOLDRICK,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 08-1165
)	Judge McVerry
JEFFREY A. BEARD, and)	Magistrate Judge Bissoon
HARRY WILSON,)	
)	
Defendants.)	

MEMORANDUM ORDER

This prisoner civil rights suit was commenced on August 21, 2008, with the filing of a petition to proceed *in forma pauperis*, and was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, dated June 9, 2009, recommended that the Defendants' Motion to Dismiss (Doc. 11) be granted. A copy of the Report and Recommendation was sent to the Plaintiff by First Class United States Mail at his place of incarceration, the State Correctional Institution at Fayette. Objections were due on or before June 26, 2009, but none have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6th day of July, 2009,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (Doc. 11) is GRANTED. The Clerk is directed to mark this case CLOSED. The Magistrate Judge's Report and Recommendation (Doc. 19) is adopted as the Opinion of the Court.

s/Terrence F. McVerry
Terrence F. McVerry
U.S. District Court Judge

CC:
MICHAEL MCGOLDRICK
GX-2889
S.C.I. at Fayette
50 Overlook Drive
LaBelle, PA 15450-1050